

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

STEPHEN GRIFFITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:20-cv-04220-MDH
)	
MISSOURI STATE HIGHWAY)	<u>JURY TRIAL DEMANDED</u>
PATROL, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S PETITION

Defendants the Missouri State Highway Patrol, Colonel Eric Olson, Major Michael Turner,¹ Trooper Grant Ayres, and Sandra Karsten ("Defendants"), respectfully request the Court dismiss the claims against them in Plaintiff's Petition (Doc. 1-1, pp. 5-28) because Plaintiff fails to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6), and because Defendants are entitled to various immunities.

1. On September 6, 2020, Plaintiff Stephen Griffith filed suit against Defendants in the Circuit Court of Boone County, State of Missouri, in *Stephen Griffith v. Missouri State Highway Patrol, et al*, Case No. 20BA-CV02895.

¹ Defendant Michael Turner was a captain at the time of the September 8, 2018, incident. He was promoted to major on April 1, 2019.

2. On November 6, 2020, Defendants removed the case to federal court. *See* Doc. 1.

3. Plaintiff's Petition (Doc. 1-1, pp. 5-28) is a civil action for alleged personal injuries – resulting from Plaintiff's arrest for driving while intoxicated (and related charges) – that includes state law claims and federal claims made pursuant to the Civil Rights Act, 42 U.S.C § 1983.

4. Defendant Trooper Grant Ayres, on September 8, 2018, pulled over Plaintiff for speeding and subsequently arrested him for driving while intoxicated, after Plaintiff failed multiple field sobriety tests and refused to take a breath test. Plaintiff allegedly suffered injury to his left hand as a result of being placed in handcuffs.

5. Defendants Eric Olson (current superintendent of the Missouri State Highway Patrol), Major Michael Turner, and Sandra Karsten (former superintendent of the Missouri State Highway Patrol, who retired on August 31, 2018, before the incident involving Plaintiff) had no involvement with the September 8, 2018, arrest of Plaintiff and are sued based only on their supervisory roles within the Missouri State Highway Patrol.

6. Plaintiff's Petition should be dismissed for a myriad of reasons. First, the Missouri State Highway Patrol and Defendants (when sued in their official capacities) are entitled to sovereign immunity. Second, many of the Defendants are entitled to official immunity or are protected from suit by the

public duty doctrine for Plaintiff's Missouri state law claims. Finally, many, if not all, of Plaintiff's claims fail to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6).

7. In support of their Motion to Dismiss, Defendants have filed Suggestions in Support of their Motion to Dismiss contemporaneously herewith.

WHEREFORE, Defendants the Missouri State Highway Patrol, Colonel Eric Olson, Major Michael Turner, Trooper Grant Ayres, and Sandra Karsten, by and through undersigned counsel, respectfully request the Court grant Defendants' Motion to Dismiss and dismiss all Plaintiff's claims in his Petition (Doc. 1-1, pp. 5-28) with prejudice and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of December 2020, I electronically filed the foregoing with the Court's electronic filing system, which sent notification to the following:

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